UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL CISNEROS-ALVAREZ,

Defendant.

NO. CR-04-2171-LRS

ORDER DISMISSING COUNT FOUR WITH PREJUDICE

BEFORE THE COURT is Defendant's Motion for Judgment of Acquittal (Ct. Rec. 63) filed April 26, 2005 after the Court declared a mistrial due to a hung jury. Also pending is the Government's Motion for an Order Dismissing Count 4 of the Indictment Without Prejudice (Ct. Rec. 65) filed April 27, 2005. The Court held a hearing on this matter on May 5, 2005. This Order is entered to supplement and memorialize the oral ruling of the Court.

ACCORDINGLY, pursuant to Fed.R.Cr.P 29 and for the reasons stated orally on the record May 5, 2005, **IT IS HEREBY ORDERED**:

1. Defendant's Motion for Judgment of Acquittal (Ct. Rec. 63) is **GRANTED**.

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1	2. Count 4 of the Indictment is Dismissed with prejudice.
2	3. The Government's Motion to Dismiss (Ct. Rec. 65) is DENIED as
3	MOOT.
4	IT IS SO ORDERED. The District Court Executive is directed to enter
5	this Order and provide copies to counsel.
6	DATED this $6^{ ext{th}}$ day of May, 2005.
7	s/Lonny R. Suko
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9	LONNY R. SUKO United States District Judge
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